

RECEIVED
CENTRAL FAX CENTER

OCT 16 2006

39-21(53156)A US; MTC 6802
PATENTREMARKS

Claims 3-8, 10, 12-40, 42-47, 49 and 51-61 are pending in the application.

Applicants' undersigned attorney wishes to thank Examiner Clardy for the telephone message left October 5, 2006 in response to the telephone inquiry left by the undersigned attorney on October 3, 2006. In the October 3, 2006 message left for Examiner Clardy, Applicants' undersigned attorney indicated that applicants planned to respond to the final Office action mailed June 15, 2006 by filing a Request for Continued Examination and making a new election of species. In his October 5, 2006 telephone message, Examiner Clardy indicated that it would be appropriate to elect a new species for examination when filing the RCE.

Accordingly, applicants elect for further examination a cationic surfactant composition comprising an etheramine as the first surfactant (i.e., the surfactant of formula (5)), and an alkoxylated triamine as the second surfactant (i.e., the surfactant of formula (27)). Claims readable on these elected species include independent claims 3 and 42 and claims that depend directly or indirectly from claim 3 or claim 42.

Independent claim 3 has been amended by deleting the diamine surfactant of formula (6). Independent claim 42 has been amended by replacing the diamine surfactant of formula (6) with the alkoxylated triamine surfactant formula (27) in accordance with applicants newly elected species.

Rejection Under 35 U.S.C. §103(a)

Pending claims 3-8, 10, 12-40, 42-47, 49 and 51-55 stand rejected under 35 U.S.C. §103(a) based on the combined teachings of U.S. Patent No. 6,420,311 (Stridde et al.) and U.S. Patent No. 5,750,468 (Wright et al.).

39-21(53156)A US; MTC 6802
PATENT

The pending claims have been examined only insofar as they read on an aqueous pesticidal composition comprising a cationic surfactant composition comprising at least one elected etheramine surfactant of formula (5) and at least one elected diamine surfactant of formula (6). The present amendment and election of species renders the rejection under 35 U.S.C. §103(a) based on Stridde and Wright moot.

Applicants reserve the right to pursue protection for the canceled subject matter.

Stridde is silent regarding the etheramine surfactant of formula (5) and the alkoxylated triamine surfactant formula (27).

Wright describes herbicidal compositions comprising glyphosate or a salt thereof and certain etheramine surfactants, including alkoxylated tertiary etheramines, alkoxylated or non-alkoxylated quaternary etheramines and alkoxylated etheramine oxides. Some of the specific etheramine surfactants disclosed by Wright fall within formula (5) as defined in the pending claims. Wright is silent regarding alkoxylated triamine surfactant formula (27).

Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) with respect to the newly elected species. The Examiner is invited to contact the undersigned attorney should any issues remain unresolved.

Information Disclosure Statement

* A supplemental Information Disclosure Statement is enclosed herewith.

The Commissioner is authorized to charge the fee for a one-month extension of time up to and including October 15, 2006 and

39-21(53156)A US; MTC 6802
PATENT

any other fees in connection with this amendment to Deposit
Account No. 19-1345.

Respectfully submitted,



James D. Harper, Reg. No. 51,781
SENNIGER POWERS
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

JDH/VMK/axs/sxm
*Enclosures